

## REMARKS

Amendments to the claims have been made to respond to the issues and concerns raised in the Office Action, to clarify aspects in the specification and claims, and to refine claim language. The amendments are believed to be consistent with the disclosure originally filed. The amendments also have been particularly presented to avoid, where applicable, any admission or estoppel, generally, negatively affecting the scope of protection provided by the disclosure and claims of the present application, and also in a manner that avoids prosecution history estoppel, limitation of the scope of equivalences, or the like. Any amendment should not be construed as an admission regarding the propriety of any objection or rejection raised in any Office Action, and the Applicant reserves the right to pursue the full scope of the unamended claims in any subsequent patent application as may be appropriate.

Claims 124, 133, 136, and 139-141 have been amended. Claims 1-123, 125-132, 134-135, 137-138, and 142-143 have been cancelled. Claims 124, 133, 136, and 139-141 remain in the application. Each amendment is believed to have been made in accordance with Rule 121. However, should any unintended informality exist, it is requested that the undersigned be contacted by telephone so that it may be resolved as expediently as possible. It is believed the amendments fully respond to the issues raised in the Office Action. Further detail with respect to specific points raised in the Office Action is offered below.

Filed the same day as this response is an Information Disclosure Statement. While the Information Disclosure Statement includes additional information for the Office to consider and may increase the examination burden associated with this Application, the Applicant believes the Information Disclosure Statement is the only way for it to comply with its obligations under Rule 56.

The Office has raised a new matter concern with regard to Applicant's amendment of the specification to include material incorporated by reference. The

Applicant disagrees the incorporated material is new matter and believes the incorporation by reference to be proper. However, to facilitate examination of this case, the Applicant has complied with the Office's request.

The Office has raised various new matter and enablement concerns with respect to the claims. The Applicant disagrees the claims pose any new matter or enablement issues. However, to facilitate examination of this case, Applicant has amended the claims. The amendments to the claims are believed to address all new matter and enablement concerns raised by the Office. In particular, the Applicant notes the Office Action states at page 8 and page 13 that "the specification provides support for the concept of one particular method which requires each of the parameters/method steps outlined on pages 22-23 and in which 618,240 sorted sperm were used for insemination". The Applicant's intention in amending the claims as set forth herein is to claim what the Office has stated is supported by the specification at pages 22-23, including each of the parameters/method steps outlined and in which 618,240 sorted sperm were used for insemination.

The Applicant, having addressed each of the concerns raised in the Office Action, respectfully requests reconsideration and withdrawal of the rejections and objections to the application. Allowance of claims 124, 133, 136, and 139-141 is requested at the Office's earliest convenience.

Dated this 24<sup>th</sup> day of November, 2008.

Respectfully submitted,  
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